

HOUSE No. 1881

By Ms. Atkins of Concord, petition of Cory Atkins and others for adoption of resolutions by the General Court memorializing the government of the United States to affirm civil rights and liberties. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

PETITION OF:

| | |
|------------------------|-------------------------|
| Cory Atkins | Cynthia Stone Creem |
| Jay R. Kaufman | Dianne Wilkerson |
| Frank I. Smizik | Robert O'Leary |
| Ruth B. Balser | Stephen Kulik |
| J. James Marzilli, Jr. | Thomas M. Stanley |
| Kay Khan | Elizabeth A. Malia |
| Michael E. Festa | Patricia A. Haddad |
| Anne M. Paulsen | Kevin J. Murphy |
| David Paul Linsky | Rachel Kaprielian |
| Douglas W. Petersen | Matthew C. Patrick |
| Deborah D. Blumer | Edward M. Augustus, Jr. |
| Peter V. Kocot | Susan C. Fargo |
| Byron Rushing | John W. Scibak |
| Patricia D. Jehlen | Patricia D. Jehlen |
| Ellen Story | Martha M. Walz |
| Kathleen M. Teahan | Steven A. Tolman |
| Mary E. Grant | Harriette L. Chandler |
| Barbara A. L'Italien | Shirley Owens-Hicks |
| Alice K. Wolf | Benjamin Swan |
| Pamela P. Resor | Steven M. Walsh |
| Jarrett T. Barrios | James B. Leary |
| Eric T. Turkington | |

In the Year Two Thousand and Five.

RESOLUTIONS AFFIRMING THE CIVIL RIGHTS AND LIBERTIES OF THE PEOPLE OF MASSACHUSETTS.

- 1 *Whereas*, the struggle to establish democracy and secure the
2 rights and liberties of Americans began in Massachusetts; and

3 *Whereas*, the Declaration of Rights of the Inhabitants of the
4 Commonwealth of Massachusetts was the first enumeration of the
5 civil rights and liberties of Americans, provided a model for the
6 United States Constitution and its Bill of Rights, and continues to
7 serve the citizens of the Commonwealth; and

8 *Whereas*, every duly elected public official in Massachusetts
9 has sworn to uphold the Constitution of the United States and the
10 Constitution of the Commonwealth; and

11 *Whereas*, in response to the terrorist attacks of September 11th,
12 2001, the United States Congress passed without public hearings
13 and with little debate the USA PATRIOT Act (Public Law 107-
14 56), provisions of which threaten the fundamental rights and liber-
15 ties of citizens and non-citizens; and

16 *Whereas*, through executive orders, changes in procedures, and
17 other actions, the United States Department of Justice has adopted
18 practices which infringe upon the rights and liberties of citizens
19 and non-citizens; and

20 *Whereas*, forty-nine Massachusetts cities and towns and more
21 than three hundred and fifty-eight cities and towns across the
22 United States have passed resolutions that affirm their support for
23 our fundamental freedoms and that state their opposition to provi-
24 sions of the USA PATRIOT Act and the practices of the United
25 States Department of Justice; and

26 *Whereas*, on November 2, 2004, in the nine state legislative dis-
27 tricts where it appeared on the ballot, voters approved, by over-
28 whelming margins, a referendum question requesting legislators to
29 support a Massachusetts resolution asserting that the campaign
30 against terrorism should not be waged at the expense of civil
31 rights and liberties, and to support legislation barring the use of
32 state resources for racial and religious profiling, for secret investi-
33 gations without reasonable grounds, and for maintaining files on
34 individuals and organizations without reasonable suspicion of
35 criminal conduct; and

36 *Whereas*, the States of Alaska, Hawaii, Vermont and Maine
37 have passed resolutions opposing provisions of the USA
38 PATRIOT ACT and federal practices which threaten our civil lib-
39 erties; and

40 *Whereas*, in recent testimony and through legislative initiatives
41 the United States Department of Justice has indicated an intention

42 to seek even greater powers of surveillance, investigation, and
43 prosecution;

44 THEREFORE, THE SENATE AND THE HOUSE OF THE
45 COMMONWEALTH OF MASSACHUSETTS:

46 *Resolved*, that the Great and General Court of the Common-
47 wealth of Massachusetts affirms the rights and liberties of the
48 people of Massachusetts and our system of checks and balances as
49 specified in the United States Constitution, the Bill of Rights, and
50 the Constitution of the Commonwealth of Massachusetts; and be it
51 further

52 *Resolved*, that the Great and General Court of the Common-
53 wealth of Massachusetts affirms that measures taken to protect our
54 local and national security must be guided by and must respect
55 principles of American liberty and the rights of persons as
56 enshrined in the Constitution of the Commonwealth of Massachu-
57 setts, the United States Constitution, and the Bill of Rights; and be
58 it further

59 *Resolved*, that the Great and General Court of the Common-
60 wealth of Massachusetts requests state and local law enforcement
61 authorities to refrain from actions that impinge and infringe upon
62 and violate constitutional rights, such as racial and religious pro-
63 filing, conducting warrantless searches, and maintaining files on
64 individuals and organizations without reasonable suspicion of
65 criminal conduct; and be it further

66 *Resolved*, that the Great and General Court of the Common-
67 wealth of Massachusetts asks the United States Congress to allow
68 to sunset, to repeal, and to amend those sections of the USA
69 PATRIOT Act which allow the Executive branch to infringe upon
70 the rights and liberties of persons as specified in the United States
71 Constitution, the Bill of Rights, and the Constitution of the Com-
72 monwealth of Massachusetts, and to oppose any additional legis-
73 lation that would infringe upon these rights and liberties; and be it
74 further

75 *Resolved*, that the Great and General Court of the Common-
76 wealth of Massachusetts asks the United States Department of
77 Justice and other federal agencies and departments to refrain from
78 any investigations, procedures, or prosecutions which infringe
79 upon the liberties of persons as specified in the United States Con-
80 stitution, the Bill of Rights, and the Constitution of the Common-

81 wealth of Massachusetts, or which single out individuals for legal
82 scrutiny or enforcement activity based upon their race, religion,
83 ethnicity or country of origin; and be it further

84 *Resolved*, that the Great and General Court of the Common-
85 wealth of Massachusetts asks the United States Congress to exer-
86 cise its constitutionally necessary and proper oversight
87 responsibilities with regard to the operations and actions of the
88 Departments of Defense and Justice and the Central Intelligence
89 Agency that may adversely affect and impinge upon civil rights
90 and liberties, and to ensure the publication of its findings; and be
91 it further

92 *Resolved*, that copies of this Resolution shall be transmitted to
93 the Honorable George W. Bush, President of the United States; to
94 the Attorney General of the United States; and to the United States
95 Attorney for Massachusetts, Michael J. Sullivan; and be it further

96 *Resolved*, that copies of this Resolution shall be transmitted to
97 Senators Edward Kennedy and John Kerry; to s Michael Capuano,
98 William Delahunt, Barney Frank, Stephen Lynch, James
99 McGovern, Marty Meehan, Richard Neal, John Olver and John
100 Tierney; to Governor Mitt Romney; to Massachusetts Attorney
101 General Tom Reilly; to Massachusetts State Police Colonel
102 Thomas G. Robbins; and to all city and town halls and public
103 libraries within the Commonwealth of Massachusetts.